

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHELBY OWNBEY,

Plaintiff,

v.

AKER KVAERNER INDUSTRIAL
CONSTRUCTORS, et al.,

Defendants.

Civ. Action No. 07-2190 (KSH)

ORDER

Katharine S. Hayden, U.S.D.J.

For the reasons articulated in the Opinion filed herewith, and good cause appearing,

It is on this 21nd day of December, 2009,

ORDERED that ImClone Systems, Inc.'s ("ImClone") motion for summary judgment on its cross-claims for contractual indemnification against Epic is **denied**; and it is further

ORDERED that Aker Kvaerner Pharmaceuticals, Inc.'s ("Aker") motion for summary judgment on its claims for contractual indemnification against Epic is **denied**; and it is further

ORDERED that Epic's motion for summary judgment on its claim seeking a dismissal of ImClone's and Aker's cross-claims for contractual indemnification is **denied**.

/s/Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.